

1 Article 4. Mandatory Continuing Legal Education

2 Rule ~~414-401. Mission Statement~~ Purpose. By continuing their legal education
3 throughout the period of practice of law, ~~attorneys-lawyers~~ can better fulfill their
4 obligation ~~competently~~ to serve their clients competently. ~~These rules~~ This article
5 establishes minimum requirements for ~~such~~ mandatory continuing legal education and
6 the means by which the requirements shall be enforced.

7 Rule 14-402. Definitions. As used in this article:

8 (a) “active emeritus” or “active emeritus lawyer” means a lawyer who has been a
9 member of the Bar for 50 years or who is 75 years of age as of July 1 of the current
10 year and who qualifies for active emeritus status as defined under the Bar’s rules,
11 regulations and policies;

12 (b) “active status” or “active status lawyer” means a lawyer who has elected to be on
13 active status as defined under the Bar’s rules, regulations and policies;

14 (c) “admission on motion applicant or lawyer” means a lawyer who has applied for
15 reciprocal admission as defined under Rule 14-705 or has been admitted as such;

16 (d) “approved law school” means an ABA approved law school as defined under
17 Rule 14-701;

18 (e) “Bar” means the Utah State Bar;

19 (f) “Board” means the Utah State Board of Mandatory Continuing Legal Education as
20 set forth in Rule 14-403;

21 (g) “Board of Bar Commissioners” means the governing board of the Bar;

22 (h) “certificate of compliance” means a written report evidencing a lawyer’s
23 completion of accredited CLE as required and defined under Rule 14-414;

24 (i) “CLE” means continuing legal education;

25 (j) “full exam” means all components of the Bar Examination as defined under Rule
26 14-710;

27 (k) “inactive status” or “inactive status lawyer” means a lawyer who has elected to be
28 on inactive status as defined under the Bar’s rules, regulations and policies;

29 (l) “MCLE” means mandatory continuing legal education as defined under this
30 article;

(m) "new admittee" means a lawyer newly admitted to the Utah State Bar;

(n) "NLCLE" means the New Lawyer CLE program as set forth in Rule 14-404;

(o) "presumptively approved sponsor" means those CLE sponsors or providers who qualify under the standards set forth in Rule 14-412;

(p) "presumptive CLE accreditation" means those CLE courses or activities that qualify under the standards set forth in Rule 14-412;

(q) "OPC" means the Bar's Office of Professional Conduct;

(r) "OPC ethics school" means the OPC annual seminar on the Utah Rules of Professional Conduct which provides six CLE or NLCLE credit hours; and

(s) "Supreme Court" means the Utah Supreme Court.

Rule ~~214-403~~. ~~State Board of Continuing Legal Education Establishment and membership of Board.~~

There is hereby established ~~by this Court~~ a Board of ~~Mandatory~~ Continuing Legal Education ~~to be appointed by this Court~~. The Board shall consist of 15 members, all of whom shall be ~~lawyers admitted to members of the Utah State Bar~~. Members shall be appointed for three-year terms, except that three members of the initial Board shall be appointed for a one-year term and three members shall be appointed for a two-year term. Each yearly class of members shall include one member residing outside of Salt Lake County. No ~~person-lawyer~~ may serve more than two consecutive terms as a member of the Board.

Rule ~~314-404~~. ~~Continuing Legal Education Requirement Active status lawyers: MCLE, NLCLE and admission on motion requirements.~~

(a) ~~Active status lawyers.~~ Commencing with calendar year 2004, each ~~attorney lawyer~~ admitted to practice in ~~this state-Utah~~ shall complete, during each two-calendar year period, a minimum of 24 hours of accredited ~~continuing legal education~~CLE which shall include a minimum of ~~three 3~~ hours of accredited ethics or professional responsibility as defined in Rule ~~414-408~~. ~~Inactive members of the Bar, Lawyers on inactive status as defined in Rule 7, shall be~~ not be subject to the requirements of this rule.

(b) NLCLE. A ~~member-lawyer~~ who fulfills the requirements of the ~~New Lawyer Continuing Legal Education~~NLCLE ~~Pp~~program, shall be deemed to have satisfied the accredited ~~continuing legal education~~MCLE requirements of this rule for the reporting period ending December 31 of the second complete year following the ~~member's~~ lawyer's year of admission to the Bar. ~~(New admittees admitted under the Bar's "Full Exam" status will shall~~ meet their first two-year requirement through the NLCLE program.~~(a) by:~~

(b)(1) attending the mandatory "NLCLE" ethics seminar which is given-offered at least annually by the Bar;

(b)(2) accruing 12 credit hours of approved live NLCLE courses sponsored by the Bar; and

(b)(3) accruing 12 credit hours of approved CLE.

Paragraph (b)(1) can be waived if the lawyer resides out-of-state. Paragraph (b)(2) can be fulfilled by self-study credit if the lawyer resides outside of Salt Lake County.

~~(b) Twelve credit hours of approved live "NLCLE" workshops sponsored by the Utah State Bar. (c) Twelve credit hours of approved continuing legal education.~~

(c) Admission on motion lawyers. A ~~member-lawyer~~ who fulfills the requirements by ~~Admission on Motion~~, as prescribed in Rule ~~Five 14-705 of the Rules of Admission~~, shall be deemed to have satisfied the accredited ~~continuing legal education~~MCLE requirements of this rule for the reporting period ending December 31 of the second complete calendar year following the ~~member's-lawyer's~~ year of admission. In addition, the lawyer must complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of NLCLE on Utah practice and procedure and ethics requirements as follows.

~~(a) Complete and certify no later than six (6) months following the Applicant's admission that he or she has attended at least fifteen (15) hours of continuing legal education on Utah practice and procedure and ethics requirements.~~

~~(b) The Board of Bar Commissioners may by regulation specify the number of the required fifteen (15) hours that must be in particular areas of practice, procedure and~~

ethics. Included in this mandatory fifteen (15) hours is attendance at the Bar's OPC Ethics School. This class is offered twice a year and provides six (6) credit hours.

(c)(1) The remaining nine (9) credit hours must be made up comprised of Utah's New Lawyer Continuing Legal Education ("NLCLE") courses.

(c)(2) Six credit hours must be comprised of the professional ethics course presented in OPC's ethics school.

(d)(3) Twelve (12) of the fifteen (15) hours may be completed through self-study through the Bar's by access to Utah's on-line education CLE system. (e) The above fifteen (15) hours will apply towards the twenty-four (24) hours required per two-year compliance period. The Board of Bar Commissioners may specify the number of the required 15 hours that must be in particular areas of practice, procedure and ethics.

(f) Out-of-state CLE activities. Continuing Legal Education ("CLE") credit may be awarded for out-of-state activities that the Board in the determination determines of the Board of Mandatory Continuing Legal Education ("MCLE Board") meets certain standards in furthering an attorney's lawyer's legal education. The Board shall determine Whether to accredit such the activities and, if so, the number of hours of credit to allow for such activities shall be determined by the MCLE Board. Out-of-state activities cannot substitute for the 15 mandatory CLE hours described in paragraph (c) and Rules 14-705(d)(2) and 14-705(d)(3).

(g) Activities that may be regarded as equivalent to state-sponsored CLE may include, but are not limited to, viewing of approved continuing legal education CLE audio and video presentations videotapes, writing and publishing an article in a legal periodical, part-time teaching in an Approved Law School, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants, or law school students.

(h) A lawyer's application by a member of the Bar for accreditation of a CLE activity must be submitted in writing to the MCLE Board if the activity has not been previously approved for CLE credit in Utah. Out-of-state activities cannot substitute for the fifteen (15) mandatory CLE hours described in 5-4(b) and (c) above.

~~No credit will be given for any continuing legal education program completed by a member of the bar prior to January 1, 1990~~

~~Regulation 3-102~~Rule 14-405. MCLE requirements for lawyers on inactive status.

~~(1a) No requirement. Lawyers on inactive members of the bar status are not subject to meeting continuing legal education MCLE requirements while on inactive status during their enrollment as inactive members. However, inactive members may comply with continuing legal education requirements during their enrollment as inactive members and use that continuing legal education credit to satisfy the requirements of Subsection (2) for the same reporting period in which the credits were earned.~~

~~(2b) Return to active status. Notwithstanding Rule 19 of Rules for Integration and Management of the Utah State Bar, an A lawyer on inactive member status who returns to active status shall complete the continuing legal education MCLE requirement of 24 hours by December 31 of the year following the member's lawyer's return to active status. Lawyers on inactive status may comply with MCLE requirements and use that CLE credit to satisfy this requirement.~~

~~Regulation 3-103~~Rule 14-406. MCLE requirements for lawyers on active military duty.

~~(1a) Waiver. Members of the Utah State Bar Lawyers who are serving on or are called to federal active military duty during any portion of a compliance period shall have his or her MCLE requirements waived for that particular compliance period.~~

~~(2b) Statement of compliance. Each licensed attorney lawyer serving on or called to federal active military duty shall file with the Board a statement of compliance providing verification of the date the attorney lawyer was called to federal active military duty. The statement of compliance and verification report will be due by January 31, following the year for which the report is due.~~

~~Regulation 3-104~~Rule 14-407. MCLE requirements for lawyers on active emeritus status.

~~(1a) Lawyers on A active E emeritus status members of the Bar shall comply with the standard continuing legal education MCLE requirements by participation in 12 hours of continuing legal education CLE.~~

(2b) Alternative. In the alternative, ~~lawyers on A~~active ~~E~~emeritus ~~status members of~~
~~the Bar~~ may work in conjunction with another Utah lawyer on active status licensed
~~member of the Bar~~ in lieu of complying with the standard requirement of 12 hours of
~~continuing legal education CLE.~~ (3) Lawyers on Aactive ~~E~~emeritus status members of the
Bar who elect to work in conjunction with another Utah lawyer on active licensed
~~member of the Bar~~status in lieu of complying with 12 hours of continuing legal
education CLE, shall file with the Board by January 31, following the year for which the
report is due, a signed statement ~~from the member of the Bar~~ verifying that he/ or she
has complied with the requirements of this regulationrule.

~~(4) Active Emeritus is a lawyer who has been a member of the Bar for 50 years or~~
~~who is 75 years of age as of July 1 of the current year and who qualifies for Emeritus~~
~~Status.~~

Rule 414-408. ~~Hours of Accredited Continuing Legal Education Defined~~Credit hour
defined; application for approval.

(a) An hour of accredited ~~continuing legal education CLE~~ means ~~at least sixty~~ 60
minutes in a one-hour period in attendance at an accredited ~~continuing legal~~
~~education CLE~~ program. ~~Attorneys who lecture in an accredited continuing legal~~
~~education program shall receive credit for three (3) hours for each hour, as defined in~~
~~this Subsection (a), spent in lecturing. No lecturing or teaching credit is available for~~
~~participation in a panel discussion.~~

(b) A lawyer or a sponsoring agency applying for approval of a CLE activity or
program shall submit to the Board all the necessary information required under this
article.

Rule 14-409. Self-study categories of accredited MCLE defined.

(a) Lecturing and teaching; panel discussions. Lawyers who lecture in an accredited
CLE program shall receive credit for three hours for each hour spent lecturing. No
lecturing or teaching credit is available for participation in a panel discussion.

~~(b) Accredited continuing legal education programs include those specifically~~
~~accredited by the Board of Continuing Legal Education, and such programs sponsored~~
~~by the accredited sponsors as provided by the Board of Continuing Legal Education.~~

179 (cb) Final published course schedule. The Board shall determine the number of
180 accredited CLE hours available for a program based on the final published course
181 schedule. ~~The final published course schedule of an accredited continuing legal~~
182 ~~education program shall be determinative of the number of hours of accredited~~
183 ~~continuing legal education available through such program. In all other cases, the Board~~
184 ~~of Continuing Legal Education shall determine the number of hours of accredited~~
185 ~~continuing legal education available through such program.~~

186 (dc) Equivalent CLE credit for certain self-study activities. The Board shall allow
187 equivalent credit for such activities as, in the Board's determination, further the purpose
188 of ~~these rules this article~~ and ~~should be allowed such~~qualify for equivalency. Such
189 equivalent activities may include, but are not limited to, viewing of approved ~~continuing~~
190 ~~legal education~~CLE audio and video presentationsvideotapes, computer interactive
191 telephonic programs, writing and publishing an article in a legal periodical, part-time
192 teaching by a ~~practitioner lawyer~~ in an ~~ABA~~-approved law school, or delivering a paper
193 or speech on a professional subject at a meeting primarily attended by lawyers, legal
194 assistants or law students. The number of hours of credit to be allowed for such
195 activities and the procedures for obtaining such equivalent credit may be determined
196 specifically in particular instances by the Board.

197 (e) ~~A lawyer or a sponsoring agency desiring approval of a continuing legal~~
198 ~~education activity or program shall submit to the board all information required.~~

199 Regulation 4(b)-101Rule 14-410. Accreditation of MCLE; undue hardship and
200 special accreditation.

201 (4a) ~~The a~~Accredited legal educationCLE activities provided by ~~these regulations~~
202 this article shall:

203 (4a)(1)a. ~~H~~ave as their primary objective ~~the to~~ increase ~~in lawyers'~~ professional
204 ~~competence competency~~of licensed attorneys;

205 (4a)(2)b. ~~Deal with~~ be comprised of subject matter directly related to the practice of
206 law; and

207 (4a)(3)c. ~~C~~omply with the specific requirements set forth in ~~these regulations this~~
208 article with respect to each activity.

~~(2) Formal instruction or educational seminars which meet the requirements of Subsection (1) lend themselves well to the fulfillment of the educational requirement imposed by these regulations and will be readily accredited by the Board. However, it is not intended that compliance with these regulations will impose any undue hardship upon any registered attorney by virtue of the fact that the attorney may find it difficult because of health or special reasons to attend such activities. Consequently, in addition to accrediting formal instruction at centralized locations, the Board shall accredit such educational activities as video and audiotape presentations, teaching, preparation of articles and other meritorious learning experiences provided in these regulations.~~

~~(3b) The bBoard shall assign an appropriate number of credit hours to each accredited educational CLE activity. One hour of credit will be given for attendance at the accredited educational activity in accordance with Rule (4)(a).~~

~~(4c) Ethics and professional responsibility courses. All courses or components of courses offered to fulfill the three hour ethics and professional responsibility requirement under 14-404(a) must be specifically accredited by the Board.~~

~~(d) Undue hardship; special accreditation. Formal instruction or educational seminars which meet the requirements of paragraph (a) lend themselves well to the fulfillment of the educational requirement imposed by this article and will be readily accredited by the Board. It is not intended that compliance with this article will impose any undue hardship upon any lawyer by virtue of the fact that the lawyer may find it difficult because of health or other special reasons to attend such activities. In addition to accrediting formal instruction at centralized locations, the Board in its discretion may accredit such educational activities including, but not limited to, audio and video presentations, teaching, preparation of articles and other meritorious learning experiences as provided in this article.~~

~~Regulation 4(b)-102Rule 14-411. Board accreditation of Individual non-approved sponsor Courses Approval.~~

~~(4) The bBoard in its discretion may accredit continuing legal education CLE courses or activities offered by non-approved sponsors if they meet the following standards:~~

(4)(a) The course must be of intellectual or practical content and, where appropriate, should include an ethics or professional responsibility component;.

(4)(b) The course or activity must contribute directly to a lawyer's professional competence or skills, or the ~~attorney's education with respect to~~ lawyer's professional ~~or~~ ethical obligations;.

(4)(c) Course or activity leaders or lecturers must have the necessary practical or academic skills to conduct the course effectively;.

(4)(d) ~~Before or at~~ Prior to or during the course or activity, each attendee must be provided with written course materials of a quality and quantity which indicate that adequate time has been devoted to preparation and further reflect that they will be of value to ~~attorneys-lawyers~~ in ~~the their course of their~~ practice of the law; One-hour courses or activities meet this requirement by providing an outline of the course or activity's content.

(4)(e) The course or activity must be presented in an appropriate suitable setting;.

(4)(f) During courses or activities presented ~~by a sponsor~~ by means of video or audio ~~tape, motion picture film~~, simultaneous broadcast or other such systems or devices, there should be an opportunity to ask questions of course faculty or other qualified commentators;.

(4)(g) The course or activity must be made available to ~~attorneys-lawyers~~ throughout the state unless ~~its the~~ sponsor demonstrates to the satisfaction of the Board that there is good reason to limit ~~the~~ availability ~~of the course~~;.

(4)(h) A sponsor or ~~course~~ attendee must submit to all reasonable requests for information related to the course or activity ~~and such other criteria established by the Board~~; and

(4)(i) A sponsor or ~~course~~ attendee must submit a written request for accreditation approval of the course on a an approved form ~~approved by the Board~~ within ~~sixty 60~~ days prior to or following the course or activity. ~~Sponsors who wish to advertise a course as being accredited must submit a request for approval at least sixty days before the course is advertised. Sponsors who wish to advertise a course or activity as being accredited must submit a request for approval at least 60 days prior to the event.~~

268 ~~Regulation 4(b)-103~~Rule 14-412. Presumptively approved Ssponsors; Approval and
269 Ppresumptive MCLE Aaccreditation.

270 ~~(4a) Sponsors Offering Courses Within the State.~~ The Board may designate an
271 individual or organization as ~~an a presumptively~~ approved sponsor of accredited
272 ~~continuing education~~CLE courses or activities ~~within the State of Utah~~ if they meet the
273 following standards:

274 ~~(4a)(a1)~~ The sponsor shall be either an ~~(i) ABA accredited~~approved law school or an
275 ~~(ii)~~ organization engaged in ~~continuing legal education~~CLE which, during the three years
276 immediately preceding its application, has sponsored at least six separate courses
277 which comply with the requirements for individual course accreditation under Regulation
278 ~~4(b)-102~~Rule 14-411. Status as ~~an a presumptively~~ approved sponsor shall be subject
279 to periodic review.

280 ~~(4a)(b2)~~ Within ~~sixty 60~~ days prior to offering a course, the sponsor shall ~~represent~~
281 indicate on a Board-approved form ~~approved by the Board~~ that the course satisfies the
282 provisions of ~~Regulations 4(b)-102~~Rule 14-411. Each course ~~for which this~~
283 ~~representation has been made~~ shall be accredited as long as the sponsor has
284 presumptive approval.

285 ~~(4a)(c3)~~ The sponsor shall submit related information ~~concerning courses it offers to~~
286 ~~the Board~~ within ~~sixty 60~~ days following the presentation of a course, including the
287 registration list in an approved format, a copy of the brochure describing the course, a
288 description of the method or manner of presentation of course materials, and, if
289 specifically requested by the Board, a set of course materials.

290 ~~(4a)(d4)~~ The sponsor shall make its courses available to all ~~attorneys lawyers~~
291 throughout the state, unless it can ~~show to the~~demonstrate to the satisfaction of the
292 Board that there is good reason to limit the ~~course availability to certain attorneys only~~.

293 ~~(4a)(e5)~~ The sponsor shall submit to all reasonable requests for information and
294 ~~abide by all regulations adopted by the Board~~comply with this article.

295 ~~(4b)(f)~~ Denial of presumptively approved sponsor status. Notwithstanding a
296 sponsor's compliance with ~~the forgoing standards~~paragraphs (a)(1) through (a)(5), the

Board may deny ~~a sponsor~~ designation as ~~an~~ a presumptively approved sponsor if the Board finds there is just cause for such denial.

(c) Revocation of presumptive approval. Presumptive approval of a sponsor shall entitle courses offered by that sponsor to accreditation until such time that the Board determines that the sponsor is not entitled to presumptive approval. The Board may audit any sponsor having presumptive approval and may revoke the presumptive approval if it determines that the sponsor is offering, as accredited, courses which do not satisfy the standards established under Rule 14-411.

~~(2d) Sponsors Offering Courses Outside the State~~Presumptive MCLE accreditation.
The Board may establish a list of those ~~state bar associations~~ entities that have ~~continuing legal education~~ CLE requirements and accreditation standards, which are consistent with those of the Board. Courses ~~offered outside of Utah~~ which are accredited by those ~~states~~ entities on the ~~reciprocity~~ list shall be entitled to presumptive accreditation. The Board may review and revise the ~~reciprocity~~ list at any time in its discretion.

~~(3) Presumptive Approval. Presumptive approval of a sponsor shall entitle courses offered by that sponsor to accreditation until such time that the Board determines that the sponsor is not entitled to presumptive approval. The Board may audit any sponsor having presumptive approval and may revoke the presumptive approval if it determines that the sponsor is offering, as accredited, courses which do not satisfy the standards established under Regulation 4(b)-102.~~

~~Regulation 4(d)-101~~Rule 14-413. MCLE credit for qualified audio and video presentations; computer interactive telephonic programs; writing; lecturing; teaching; live attendance.

~~(1) Credit is allowed for the following activities: (1)~~(a) Credit will be allowed for Sself-
Sstudy with Board accredited audio and videotapes ~~video presentations or computer interactive telephonic programs~~ in accordance with the following:.

~~(1)(a)i. The audio or videotape presentation must have been accredited by the Board;~~

(~~4a~~)(~~a1~~)~~ii~~. One hour of credit ~~is~~ will be allowed for viewing and/or listening to sixty 60 minutes of audio or videotape-video presentations or computer interactive telephonic programs in accordance with Rule ~~4(a)14-408(a)~~.

(~~4a~~)(~~a2~~)~~iii~~. No more than ~~twelve 12~~ hours of credit may be obtained through self- study with audio or videotape-video presentations or computer interactive telephonic programs ~~pursuant to this Subsection (a)~~.

(~~4~~)(b) Credit will be allowed for ~~W~~riting and publishing an article in a legal periodical in accordance with the following:

(~~4~~)(b)(~~1~~)~~i~~. To be eligible for any credit, an article must:

(b)(1)(A) be written to address an attorney a lawyer audience;

(b)(1)(B) be at least 3,000 words in length;

(b)(1)(C) be published by a recognized publisher of legal material; and

(b)(1)(D) not be used in conjunction with a seminar;

(~~4~~)(b)(~~2~~)~~ii~~. Three credit hours ~~are~~ will be allowed for each 3,000 words in the article;
(~~4~~)(b)~~iii~~. An application for accreditation of the article must be submitted at least sixty 60 days prior to reporting the activity for credit; (~~4~~)(b)~~iv~~. Two or more authors may share credit obtained pursuant to this Subsection (b) paragraph in proportion to their contribution to the article; ~~and~~ (~~4~~)(b)~~v~~. No more than ~~twelve 12~~ hours of credit may be obtained through writing and publishing an article or articles ~~pursuant to this Subsection (b)~~.

(~~4~~)(c) Credit will be allowed for ~~L~~ecturing in an accredited continuing legal education CLE program and part-time teaching by a practitioner lawyer in an ABA approved law school or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants or law students in accordance with the following:

(~~4~~)(c)(~~1~~)~~i~~. Lecturers in an accredited continuing legal education CLE program and part-time teachers may receive three 3 hours of credit for each hour spent in lecturing or teaching as provided in Rule ~~4(a)14-408(a)~~.

(~~4~~)(c)(~~2~~)~~ii~~. No lecturing or teaching credit is available ~~under this Subsection (c)~~ for participation in a panel discussion; ~~and~~.

(1)(c)(3)iii. No more than twelve-12 hours of credit may be obtained through lecturing and part-time teaching ~~pursuant to this Subsection (c).~~

(1)(d) Credit will be allowed for Lecturing and teaching by full-time law school faculty members in accordance with the following:

(1)(d)(1)i. Full-time law school faculty members may receive credit for lecturing and teaching ~~in accordance with Subsection (c),~~ but only for lecturing and teaching at accredited continuing legal education-CLE courses:

(1)(d)(2)ii. No lecturing or teaching credit is available ~~under this Subsection (d)~~ for participation in panel discussions; and

(1)(d)(3)iii. No more than twelve-12 hours of credit may be obtained through lecturing and teaching by full-time law school faculty members~~pursuant to this Subsection (d).~~

(1)(e) Credit will be allowed for Attendance at an accredited legal education-CLE program in accordance with the following:

(1)(e)(1)i. eCredit is allowed for attendance at an accredited continuing legal education-CLE program in accordance with Rule 4(a)14-408(a); and

(1)(e)(2)ii. There is no restriction on the percentage of the credit hour requirement, which may be obtained through attendance at an accredited legal education-CLE program ~~under this Subsection (e).~~ However, a minimum of fifteen-(1512) hours must be obtained through attendance at live continuing legal education-CLE programs.

(1)(f) The total of all hours allowable under paragraphs sub-sections (1)(a), (b), (c), and (d) of this Regulation-rule may not exceed twelve-(12) hours during a reporting period.

(2g) No credit is allowed for self-study programs except as expressly permitted ~~above in Regulation 4(d)-101(1)(a) under paragraph (a).~~

Rule 514-414. Annual Reports by AttorneysCertificate of compliance; filing, late, and reinstatement fees; suspension; reinstatement.

(a) Certificate of compliance. On or before January 31 of alternate years, each ~~attorney admitted to practice in this state~~lawyer subject to MCLE requirements shall make file a written report to certificate of compliance with the Board, in such form as the Board shall prescribe, ~~concerning such attorney's~~evidencing the lawyer's completion of

Effective: November 1, 2006

386 accredited ~~continuing legal education~~CLE courses or activities ending ~~with~~ the
387 preceding 31st day of December. The ~~report~~certificate of compliance shall include the
388 title of programs attended, or the audio or video presentation, ~~the~~ computer interactive
389 telephonic presentation-program viewed or listened to, the sponsoring agency entity, the
390 number of hours in actual attendance at each ~~such~~ program, or the number of hours of
391 such audio or video presentation, and ~~such~~ other information as the Board shall require.

392 Regulation 5-101

393 ~~Each licensed attorney subject to these continuing legal education requirements~~
394 ~~shall file with the Board, by January 31 following the year for which the report is due, a~~
395 ~~statement of compliance listing continuing legal education which the attorney has~~
396 ~~completed during the applicable reporting period.~~

397 Regulation 5-102

398 (b) Filing fees, late fees and reinstatement fees. ~~In accordance with Rule 8, e~~Each
399 attorney-lawyer shall pay a filing fee in the amount of \$5.00 at the time of filing the
400 statement-certificate of compliance under paragraph (a). Any attorney-lawyer who fails
401 to complete the MCLE requirement by the December 31 deadline shall be assessed a
402 \$50.00 late fee. ~~In addition, attorneys-Lawyers~~ who fail to comply with the requirements
403 and file within a reasonable time, as determined by the Board in its discretion, after the
404 late fee has been assessed may be subject to suspension and \$100.00 reinstatement
405 fee in accordance with Rule 14-415.

406 Regulation 5-103

407 (4c) Maintaining proof of compliance. Each attorney-lawyer shall ~~keep and~~ maintain
408 proof to substantiate the information claims made provided on ~~any statement the~~
409 certificate of compliance which has been filed ~~with the Board~~. The proof may contain,
410 but is not limited to, certificates of completion or attendance from sponsors, certificates
411 from course leaders, or materials claimed to provide related to credit. The attorney
412 lawyer shall retain this proof for a period of four years from the end of the period for
413 which the statement-Certificate of eCompliance is filed, ~~and~~ Proof shall be submitted to
414 the Board upon written request.

(2d) Failure to provide proof of compliance; rebuttable presumption. Failure by the ~~attorney-lawyer~~ to produce proof of compliance within ~~fifteen-15~~ days after written request by the Board constitutes a rebuttable presumption that the ~~attorney-lawyer~~ has not complied with the ~~continuing legal education~~MCLE requirements for the applicable time ~~period-of time involved~~.

(3e) Verification period. The Board may, at any time within four years after the ~~statement-certificate~~ of compliance ~~has been is~~ filed, commence verification proceedings to determine ~~an attorney's a lawyer's~~ compliance with ~~these rules and regulations this article~~.

Rule ~~614-415~~. Penalty for Failure to Satisfy Continuing Legal EducationMCLE ~~R~~requirements; notice; appeal procedures; reinstatement; waivers and extensions; deferrals.

(a) Failure to comply; petition for suspension. ~~Any attorney A lawyer~~ who fails to comply with reporting provisions of Rule ~~5-14-414~~ shall be assessed a late fee ~~of \$50.00~~. ~~An attorney A lawyer~~ who fails to comply with Rule ~~5-14-414~~ or who files a ~~report certificate of compliance~~ showing that ~~such attorney he or she~~ has failed to complete the required number of hours of ~~continuing legal education~~MCLE shall be notified that unless all requirements are completed and reported within 30 days, a petition for ~~his or her the lawyer's~~ suspension from the practice of law will be ~~forwarded-submitted~~ to the Supreme Court. ~~Such attorney~~

(a)(1) The lawyer shall be given the opportunity during the 30-day period to file an affidavit with the Board, disclosing facts demonstrating that ~~such person the lawyer's~~ noncompliance was not willful and tendering such documents, which, if accepted, would cure the delinquency. A hearing before the Board shall be granted, if requested.

(a)(2) If, after a hearing, or a failure to cure the delinquency by satisfactory affidavit and compliance, ~~such person the lawyer~~ is suspended by the Supreme Court, the ~~person-lawyer~~ shall be notified ~~thereof~~ by certified mail, return receipt requested.

(b) Reinstatement. ~~An attorney A lawyer~~ suspended by the Supreme Court under the provisions of this rule may be reinstated by the Court upon motion of the Board ~~and upon a~~ showing that ~~such attorney the lawyer~~ has cured the delinquency for which the

~~attorney-lawyer~~ has been suspended. If a lawyer has been suspended by the Supreme Court for non-compliance with this article, the lawyer must then comply with all applicable rules to be eligible to return to active or inactive status.

(c) Waivers and extensions of time. For good cause shown, the Board may, in its discretion in ~~individual~~ cases involving hardship or extenuating circumstances, grant waivers of the minimum ~~educational~~ MCLE requirements or extensions of time within which to fulfill the requirements ~~or make the required report.~~

(d) Deferrals. The Board may in its discretion defer MCLE requirements in the event of the lawyer's serious illness.

Regulation 6-101

(4e) Petition to appeal. Any ~~person-lawyer~~ who is aggrieved by any ~~action-or~~ decision of the Board under this rule may, within 30 days from the date of ~~that the~~ notice of ~~the action-or~~ decision, appeal to the Board by filing ~~with the Board~~ a petition setting forth the ~~action-or~~ decision ~~appealed from~~ and the relief ~~or determination~~ sought ~~by the appeal along~~ with the factual and legal basis ~~therefore.~~ (2) Unless ~~the a~~ petition is filed pursuant to Subsection ~~(1)~~, the ~~action-or~~ Board's decision ~~of the Board~~ shall be final.

(3e)(1) The Board may approve ~~any a~~ petition without hearing, or may set a date for hearing. (4) If the Board determines to ~~hear the petition~~ hold a hearing, the ~~petitioner~~ lawyer shall be given at least 10 days notice of the time and place set for the hearing. Testimony taken at the hearing shall be under oath, ~~to be administered by the Chairperson of the Board.~~ (5) The Board shall enter written findings of fact, conclusions of law and ~~an appropriate the~~ decision on each petition. a copy ~~of which~~ shall be ~~mailed sent by certified mail, return receipt requested, forthwith~~ to the ~~petitioner~~ lawyer.

(6e)(2) ~~If the petitioner is an attorney who has failed to comply with the requirements of these regulations, t~~he Board may grant the ~~attorney~~ petitioner an extension of time within which to comply ~~with this rule on such terms~~ as the Board considers appropriate.

(6e)a.(3) Decisions of the Board ~~pursuant to Regulation 6-101~~, other than a denial of a request for a waiver or a recommendation of suspension of ~~an attorney's~~ lawyer's license to practice, are final and are not subject to further contest.

~~(6)b. A decision of the Board denying a request for a waiver or recommending suspension of an attorney's license to practice is final and not subject to further contest unless within 30 days after service of the findings, conclusions and recommendations the attorney files a written notice of appeal with the Supreme Court.~~

~~Regulation 6-102 Appeal to the Supreme Court~~

~~(f) Appeal to Supreme Court. A decision denying a request for waiver or a decision to suspend the lawyer is final under paragraph (e)(3) unless within 30 days after service of the findings of fact, conclusions of law and decision, the lawyer files a written notice of appeal with the Supreme Court.~~

~~(f)(1) Transcripts. To perfect an appeal to the Supreme Court, if testimony was taken before the Board, the attorney-lawyer shall, at the attorney's-lawyer's expense, if testimony was taken before the Board, cause to be transcribed and filed with the Board a narrative report obtain a transcript of the proceedings from the Board. The Board shall certify that the narrative report transcript of proceedings contains a fair and accurate report of the occurrences in and evidence introduced in the case proceedings. The Board shall prepare and certify a transcript of all orders and other documents pertinent to the proceeding before it, and file these promptly with the clerk of the Supreme Court. The matter shall thereafter be heard in by the Supreme Court under Court Rules this article and other applicable rules.~~

~~Regulation 6-103~~

~~(f)(2) The time set forth in these rules this article for filing notices of appeal are jurisdictional. The Board or the Supreme Court, as to appeals pending before each such body may, for good cause shown: either (a) E extend the time for the filing or certification of any material, or, (b) D dismiss the appeal for failure to prosecute the same diligently.~~

~~Regulation 6-104. Change of Status~~

~~If an attorney has been suspended by the Supreme Court for non-compliance with these rules, the attorney affected must comply with the applicable regulations of the Board to return to active status.~~

~~Regulation 6-105. Deferrals~~

~~The Board may defer continuing legal education requirement in the event of serious illness.~~

Rule ~~7~~14-416. Lawyers on active status not practicing law; certificate of exemption~~Inactive Practitioners.~~

A ~~member of the Utah State Bar~~lawyer on active status who is not engaged in the practice of law ~~in Utah in the state~~ may, upon application to the Board, be granted a waiver of ~~compliance with the continuing legal education~~MCLE requirements of Rule ~~3~~14-404 and obtain a certificate of exemption.

Rule ~~8~~14-417. Miscellaneous Fees and Expenses.

~~(a) Each member of the Bar shall pay a filing fee of \$5.00 to the Utah State Board of Continuing Legal Education at the time of filing the report required by Rule 5. Such fee~~All fees under this article shall be deposited in a special account of the ~~Utah State Board of Continuing Legal Education~~ and used to defray the costs ~~if of~~ administering ~~these rules this article.~~

~~(b) The Board of Continuing Legal Education may establish other fees to defer administrative costs related to requests for accreditation with, and the Supreme Court shall approve such fees~~approval.

~~(c) Members of the Board shall not be compensated, but shall be reimbursed for reasonable and necessary expenses incurred by them in the performance of their duties under this article.~~

~~Regulation 8-101. Fees and Expenses~~

~~Fees paid by the attorneys and sponsors of continuing legal education programs as follows shall cover the costs of administering the continuing legal education program:~~

~~(1) Each attorney required to file a statement of compliance pursuant to these regulations shall pay a filing fee of \$5.00 at the time of filing the statement with the Board.~~

~~(2d) All CLE sponsors of continuing legal education programs or activities who offer any course in Utah for a fee shall pay to the Board, within sixty 60 days of presenting the course, a fee of \$1.50 per credit hour per attendee. The \$1.50 per credit hour fee will cap at \$15.00 per attendee.~~

Effective: November 1, 2006

533 (3e) Any ~~attorney-lawyer~~ who is required by ~~these regulations-this article~~ to apply to
534 the Board for any special accreditation or approval of a ~~n particular~~ educational activity
535 shall pay a fee of \$5.00 at the time of application.

536